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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/091,374	03/04/2002	Daniel Bone	0275S-000575	1544
27572	7590	03/30/2004	EXAMINER	
HARNESS, DICKEY & PIERCE, P.L.C. P.O. BOX 828 BLOOMFIELD HILLS, MI 48303			SNIDER, THERESA T	
		ART UNIT	PAPER NUMBER	
		1744		

DATE MAILED: 03/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/091,374	BONE, DANIEL
	Examiner	Art Unit
	Theresa T. Snider	1744

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 25 April 2002.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-4, 6, 7, 9, 11-13, 16, 17, 20, 22, 24-28 and 32-42 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-4, 6, 7, 9, 11-13, 16, 17, 20, 22, 24-28 and 32-42 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 04 March 2002 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>4/25/02, 3/12/04</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The Examiner has not considered the information disclosure statement filed 4/25/2002.

After a discussion with Mark Elchuk, it was determined that the information disclosure statement was NOT pertinent to the instant application and should not be considered by the Examiner.

### ***Drawings***

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because:
  - reference character "91" has been used to designate both spring biasing portion(page 13,[0044]) and spring(page 13,[0044]);
  - reference character "3" has been used to designate both main housing portion(page 11,[0036]) and latch member(page 17,[0054]);
  - reference character "93" has been used to designate both inwardly directed ridges(page 18,[0058]) and inwardly directed flanges(page 19,[0058]);

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 71(page 14,[0046]) and 138(page 19,[0058]). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

***Specification***

4. The disclosure is objected to because of the following informalities:

Exemplary of such:

Page 2, [0003], 'A-0783865' should be replaced with 'A-9783865'.

Page 13, [0040], it is unclear as to what is meant by 'mains powered'.

Page 20, line 2, it is unclear as to what is meant by 'of the latch member 81 of the spring biased latch member 81'.

Page 21, [0064], 'a first' should be replaced with 'the first'.

Page 22, [0064], 'a first' should be replaced with 'first';

[0064], 'a second' should be replaced with 'second';

[0065], 'a first'(both occurrences) should be replaced with 'first';

[0065], 'a second'(both occurrences) should be replaced with 'second'.

Page 24, [0071], the appropriate application/publication number should be inserted.

***Claim Objections***

5. Claims 9,11-13, 20, 22 and 24 are objected to because of the following informalities:

Claim 9, line 2, 'lest' should be replaced with 'least'. Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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7. Claims 1-4, 6-7, 9, 11-13, 16-17, 20, 22, 24-28 and 32-42 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Exemplary of such:

Claim 1, line 1 recites a vacuum cleaner however the claim fails to disclose a vacuum source;

Line 5, 'latching' should be replaced with 'locking';

Lines 7 and 8, 'vacuum cleaner should be deleted.

Claims 2-4, 6-7, 9, 11-13, 16-17, 20, 22 and 24-28, line 1, 'A' should be replaced with 'The'.

Claim 3, line 2, 'latch' should be deleted;

Line 2, 'provides a biasing force' to what?

Claim 4, line 4, 'biasing' should be inserted after 'resilient';

Line 4, it is unclear as to whether the 'biasing force' is in addition to that of claim 3 or one in the same.

Claim 13, line 1, 'at least' should be inserted after 'said'.

Claim 17, line 1, 'said restriction of movement' lacks proper antecedent basis.

Claim 26, line 2, it is unclear as to whether the 'two air inlets' are in addition to that of claim 25, line 2 or inclusive thereof;

Line 3, it is unclear as to whether the 'air inlet closure shuttle member' is in addition to the 'air inlet closure member' of claim 25 or one in the same.

Claim 27, lines 7 and 9, 'shuttle' should be deleted.

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Claim 28, line 1, 'the closure member' lacks proper antecedent basis;

Lines 3 and 6, 'shuttle' should be deleted.

Claim 32, line 1 recites a vacuum cleaner however the claim fails to disclose any vacuum source.

Claim 34, line 4, it is unclear as to what is meant by 'of said release member from said release member'.

Claim 35, line 6, it is unclear as to where the 'release member' is located with respect to the other previously recited elements.

Claim 39, line 1 discloses a method of forming a vacuum cleaner however fails to provide any type of nozzle or vacuum structure;

Line 3, is the module placed within the opening?

Lines 6 and 8, 'member' should be inserted after 'latch'.

Claim 40, lines 3 and 4, 'release' should be inserted before 'member'.

Claim 41, line 4, 'release' should be inserted before 'member'.

Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this

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subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claims 1-3 and 6 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Louis.

Louis discloses a housing (fig. 1, #12,14).

Louis discloses a removable dust collection module carried by the housing (fig. 1, #20).

Louis discloses a locking mechanism with a latch member (fig. 4, #62).

Louis discloses a release member (fig. 4, #42).

With respect to claim 2, Louis discloses the latch member having an elongate member (fig. 4, #28).

With respect to claim 3, Louis discloses the elongate member including a resilient biasing portion (col. 3, lines 16-23).

With respect to claim 6, Louis discloses the release member being moved relative to the latch member against the biasing force (col. 3, lines 41-52).

10. Claim 1 is rejected under 35 U.S.C. 102(e) as being clearly anticipated by Petersson.

Petersson et al. discloses a housing (fig. 2, #10).

Petersson et al. discloses a removable dust collection module carried by the housing (figs. 2-3, #14).

Petersson et al. discloses a locking mechanism with a latch member (fig. 4, #66).

Petersson et al. discloses a release member (fig. 4, #61).

11. Claim 39 is rejected under 35 U.S.C. 102(e) as being clearly anticipated by Lang.

Lang discloses providing a housing with an opening (fig. 3, #4,22).

Lang discloses placing a dust collection module within the housing (fig. 3, #10).

Lang discloses using a latch member to removably secure the module in the housing (col. 6, lines 35-57).

Lang discloses using a slidably moveable release member to operate the latch member (fig. 1, #124, col. 6, lines 10-11).

***Allowable Subject Matter***

12. Claims 32 and 35 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.
13. Claims 4, 7, 9, 11-13, 16-17, 20, 22, 24-28, 33-34, 36-38 and 40-42 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.
14. The following is a statement of reasons for the indication of allowable subject matter:  
The prior art discloses a vacuum cleaner having a housing, a removable dust collection module carried by the housing, a locking mechanism having a latch member for detachably securing the module to the housing and a slideable release member for operating the latch member, wherein the latch member has an elongate member with a resilient biasing portion HOWEVER fails to disclose or fairly suggest the latch member further including two end housing engagement portions that are urged away from the latch member the biasing portion OR wherein the release member is moveable, in use, from a first release-member-position which it is in contact with the latch member, to a second release-member-position in which it is not in contact with the latch

OR the release member having a cam surface and the latch member having a corresponding cam surface OR the latch member at least partly contained within the dust collection module OR the dust collection module having an inlet, the release member acting as an air inlet closure wherein movement of the release member relative to the latch also moves the release member relative to the dust collection module and acts simultaneously to close a first air flow path in the dust collection module and open a second air flow path that is remote from the first air flow path, into the dust collection module OR the release member moveable into a first position wherein it assists in forming a first air flow path in to the dust collection module and engages the latch member to move the latch member into an unlocked position and moveable from the first position to a second position wherein the release member assists in forming a second airflow path, separate form the first airflow path, into the dust collection module and causes the latch member to be urged to a locked position

### *Conclusion*

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Meijer et al. and Brickner et al. disclose vacuum cleaners having dust collection modules detachable from a floor engaging housing. Melito et al. is the US equivalent of the European application cited in the specification.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Theresa T. Snider whose telephone number is (571) 272-1277. The examiner can normally be reached on Monday-Wednesday-Friday (6:30AM-3:00PM).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert J. Warden can be reached on (571) 272-1281. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Theresa T. Snider  
Primary Examiner  
Art Unit 1744

rs ts d.  
03/22/2004